

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|---------------------------------------|---|------------------------|
| GABRIEL REYES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 12 C 1075 |
| |) | |
| Chicago Police Officer JOSEPH SIMONI, |) | Judge Thomas M. Durkin |
| Star # 5123; Chicago Police Officer |) | |
| JENNIFER PUTNEY, Star # 8580; and the |) | |
| CITY OF CHICAGO, |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' MOTION FOR ENTRY OF JUDGMENT

NOW COMES Joseph Simioni, Jennifer Putney, and the City of Chicago (collectively "Defendants"), by and through their undersigned attorneys, and hereby moves this Honorable Court to enter judgment in Defendants' favor. In support thereof, Defendants state as follows:

1. On February 11, 2014, this Court granted Plaintiff's counsel leave to withdraw as counsel for Plaintiff for the reasons set forth in counsel's motion to withdraw. As part of that February 11 Order, this Court continued this matter to February 18, 2014 for status and warned that Plaintiff's failure to appear personally on that date would "result in this action being dismissed for want of prosecution." *See* Docket no. 72.

2. On February 18, 2014, Plaintiff failed to personally appear at the status hearing. Therefore, this Court entered an Order dismissing Plaintiff's action with prejudice for want of prosecution and terminated the civil case. A true and correct copy of the Order, Dkt. no. 73, is attached hereto as Exhibit A.

3. While the action was dismissed and the civil case was terminated, this Court inadvertently neglected to enter judgment in favor of Defendants. Where dismissal with

prejudice for want of prosecution is granted, entry of judgment for Defendant is appropriate. See *James v. McDonald's Corp.*, No. 02 C 2791, Dkt. no. 34 (Kennelly, J.); *Vito & Nick's Inc. v. Barraco, et al.*, No. 05 C 2764, Dkt. 103 (Nolan, Mag. J.).

4. Defendants respectfully request that this Court enter an order of judgment in Defendants' favor.

WHEREFORE, Defendants, Joseph Simioni, Jennifer Putney, and the City of Chicago, respectfully requests that this Honorable Court enter an Order granting judgment in Defendants' favor.

Dated: March 6, 2014

Respectfully submitted,

JOSEPH SIMIONI, JENNIFER
PUTNEY, and CITY OF CHICAGO

By: s/ Eileen E. Rosen
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